

# Fowler Police Department

Chief Jacob Freidenberger



317 S. Main Street, Fowler, CO 81039  
Office: (719)263-5161 Fax: (719)224-1100 Dispatch: (719)253-3344

To: Officer Troy Morgan

CC: Administrator Dan Hyatt

From: Fowler Police Department  
Chief Jacob Freidenberger  
317 Main Street, Fowler, CO 81039  
Tel: 719-263-5161  
Fax: 719-224-1100

Date: 03/13/2018

RE: Termination of employment

Officer Morgan, you were hired by the Town of Fowler as a Police Officer for the Fowler Police Department on June 14<sup>th</sup>, 2017 approximately eight months ago. Since you were hired I have counseled you many times.

## **Inappropriate behavior with wait staff at the Tamarack Restaurant**

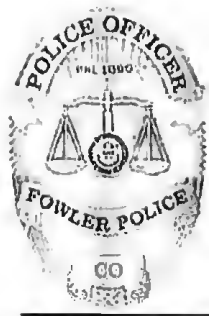
February 19, 2018. I received complaints from [REDACTED] [REDACTED] stated that while eating at the restaurant you called her to your table where you placed your hands very close to her waist simulating placing your hands on her hips and stated, "I could put my hands around your waist and almost touch my fingers together."

[REDACTED] reported that as she pulled into work you pulled your patrol vehicle alongside hers and told her that you observed her run a stop sign. She reports you informed her that you normally issue a citation for that violation, but you were giving her a break and now she "owes you one".

February 21, 2018. I interviewed you concerning these incidents. You admitted to me that you did in fact make the statements to [REDACTED] about her waist size. You also admitted that you had issued a verbal warning to [REDACTED] as well as making the statement that she "owes you one".

After my interview with you I gave you specific instructions not to speak to either [REDACTED] [REDACTED] concerning the incident until I had completed my investigation.

March 6, 2018. You called me to inquire about the status of my investigation into this matter. During our conversation you informed me that you recently approached [REDACTED] and told her you "didn't mean anything by it".



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The Fowler Police Department has adopted the following policies concerning conduct

- FPD Policy 340.3.2(k) prohibits discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Town.
- FPD Policy 340.3.2(h) prohibits using or disclosing one's status as an employee with the department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- FPD Policy 340.2.1 states that employees shall comply with lawful directives and order from any supervisor or person in a position of authority absent a reasonable and bona fide justification.

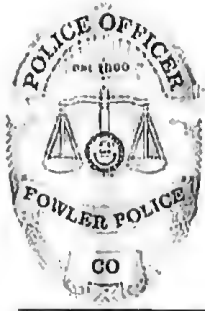
Your behavior, and discourteous comments towards [REDACTED] physical appearance violated policies 340.3.2(k). Your behavior and comments towards [REDACTED] violate, 340.3.2(h). You chose to contact [REDACTED] after being specifically directed not to which violates policy 340.2.1. I also am unable to find any dispatch record of you conducting a traffic stop with [REDACTED] meaning you also failed to notify dispatch of your activity and you failed to document your issuance of a warning which I have previously instructed you to do which is also a violation of policy 340.2.1

## Violations of Pursuit Policies

August 8, 2017. You cut in front of a Crowley County Sheriff's Deputy who was in pursuit of a fleeing suspect in Fowler. Following this incident, I counseled you about your aggressive behavior during vehicle pursuits.

November 28, 2017. You received four hours of training including a review of the Fowler Police Department vehicle pursuit policies and on vehicle familiarization.

February 9, 2018. You initiated a pursuit of a vehicle. Per policy 314.9(d) I conducted a review of the incident. The pursuit, which continued to Lane 36 in Pueblo County, approximately 26 miles away began at approximately 20:00 hours. During your pursuit at 20:14 hours you notified dispatch that the suspect was driving on the wrong side of the highway. The pursuit continued until 20:20 hours. In your report you state "at one point (the suspect) drove on the wrong side of the road with cars heading in her direction". The pursuit continued for approximately 6 minutes after the suspect began driving on the wrong side of the roadway.



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You made no attempt to have dispatch notify your supervisor that a pursuit was taking place. In fact, no notification was made until a Sergeant from the Rocky Ford Police Department became so concerned as to ask you if you would like supervision to be notified. This occurred at 20:17 hours, 17 minutes after the pursuit began.

The Fowler Police Department has adopted the following vehicle pursuit policies

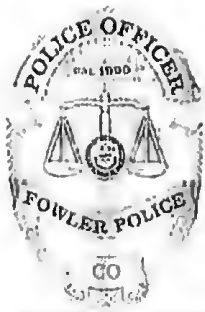
- FPD Policy 314.4.5 (d) states "as a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway."
- FPD Policy 314.3.1 (a), (c) and (h) states that an officer should consider "Whether the suspect represents a serious threat to public safety" among several other factors including "the performance capabilities of the vehicles used in the pursuit" as deciding factors for initiating a pursuit.
- FPD Policy 314.5 states "supervisory and management control will be exercised over all vehicle pursuits involving officers from this department."

You chose to initiate and continue a pursuit for over 26 miles of a suspect who at the onset was only suspected of speeding 10mph over and possession of a stolen vehicle. Neither of these crimes subject the public to a "serious threat", and violates policy 314.3.1 (a), (c) and (h). You made no attempt to notify supervision of the pursuit which is a known standard practice for pursuits which is taught at even the basic academy level of instruction, this violates policy 314.5. You chose to continue pursuing a vehicle which was driven on the wrong side of the road for 6 minutes and several miles, and thus placing the public in extreme danger and violates policy 314.4.5 (d). You continue to show an inability to exercise sound judgment and show that you are either unwilling, or unable to apply our policies to real world incidents.

## **Incorrectly completed paperwork / issued citations**

October 17, 2017. You were counseled for putting incorrect case numbers on cases sent to the district attorney.

January 17, 2018. A defendant appeared in court for a citation [REDACTED] you issued. The defendant had to be issued a new citation as you had incorrectly spelled her last name and did not include the specific violation she was charged with. This required her to make another, and unnecessary first appearance next month.



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February 21, 2018. A defendant appeared for a citation [REDACTED] you issued for disregarding a traffic control device. This citation was also improperly completed. You again did not include the specific violation the defendant was charged with, and you listed an incorrect address and incorrect race for the defendant. Again, this required me to re-issue her another citation, and required her to make another unnecessary first appearance.

February 27, 2018. I was issuing a suspect a citation for a recent dog bite incident that I was working when the subject informed me that you had already issued a citation for that incident. I asked him to show me the citation, and you had indeed issued him a citation [REDACTED] which was issued again for the incorrect charge. Moreover, you had no reason to insert yourself into my investigation and issue a citation.

- FPD Policy 340.3.5 (b) prohibits careless workmanship resulting in spoilage or waste of materials or unacceptable work as applicable to the nature of the work assigned.
- FPD Policy 340.3.5 (c) prohibits unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper order, work assignments or instructions.

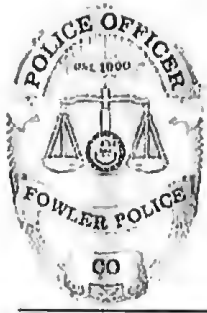
You have demonstrated a continued level of performance which is below acceptable standards. The repeated errors on citations causes embarrassment to the department and places an unnecessary burden on the public and fellow Officers to correct your errors which is a violation of policies 340.3.5 (c) and 340.3.5 (b).

## Unsafe prisoner control

January 31, 2018. You arrested a suspect for child abuse. When you brought the suspect into the department hold area you failed to secure him to the bench. I had to secure the subject to the bench after he became agitated and refused to remain seated in the prisoner area. The suspect threw a shoe, striking a wall, but ultimately caused no harm to person or property.

- FPD Policy 340.3.6 prohibits violating Department safety standards or safe working practices.

It is a standard practice that all arrestees are secured to the bench in the holding area while they're being held for processing. Your failure to maintain control of your prisoner placed everyone in the building in danger should he have become more violent and violated policy 340.3.6. It is imperative that we maintain consistent control of prisoners and never deviate from our standard safety and control practices.



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## Failure to complete the F.T.O. Program

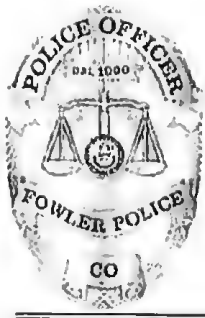
June 14, 2017. Shortly after you were appointed as a Police Officer for the Town of Fowler you were given the F.T.O. packet which is to be completed by every new hire for the department. You were shown how to complete it and given access to all materials needed to complete the packet.

October 12, 2017. I asked you how much progress you have made on your F.T.O. packet, you informed me that you "forgot" about the packet all together, and that you hadn't made any progress. I instructed you to continuously make progress on your packet until you were finished.

January 3, 2017. You were again asked about progress on your F.T.O. packet, you again informed me that you have yet to make any progress.

- FPD Policy 340.3.5 (c) prohibits unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper order, work assignments or instructions.
- FPD Policy 340.2.1 states that employees shall comply with lawful directives and order from any supervisor or person in a position of authority absent a reasonable and bona fide justification.

In spite of several attempts to get you to complete you required F.T.O. packet you have continued to neglect even making an attempt. You have been employed with this agency for approximately 8 months. This is more than enough time to complete the packet, let alone make progress. Previous employees take approximately 2 to 3 months to complete the packet. Your continued refusal to learn the department policies is unacceptable. Your failure to complete your F.T.O. packet after being instructed several times to do so is a violation of policy 340.3.5 (c) and 340.2.1.



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## Conclusion

In your short tenure with the Fowler Police Department you have continued to demonstrate that you are either unwilling to learn or abide by the policies of the Department. You have refused to follow my instructions on numerous occasions and fail to perform tasks at an acceptable level.

Because you have yet to complete the F.T.O. program you are still considered a probationary employee of the department. You have performed your duties unsatisfactorily and failed to meet department standards. I am hereby terminating your employment effective immediately. Per our department policy 340.9 probationary employees terminated for these reasons have no right to appeal.

Your final paycheck is being given to you with this letter. If you believe there is any error with your final pay, please review it with the Town Treasurer, so the issue can be resolved.

Chief Jacob Freidenberger  
Fowler Police Department